

BILL NO. 97-19

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

AS AMENDED

BILL NO. 97-19, as amended

Introduced by: Council President Parrott at the request of the County Executive

Legislative Day No. 97-5 Date February 11, 1997

AN ACT to repeal and re-enact with amendments Article IV, Classified Service, of Chapter 38, Personnel, of the Harford County Code as amended, to provide standards for governing classified employees of Harford County, Maryland; and generally relating to the system of personnel administration for Harford County employees in the classified service.

By the Council, February 11, 1997

Introduced, read first time, ordered posted and public hearing scheduled

on: March 11, 1997

at: 7:00 p.m.

By Order: James D. Vannoy /mich, Acting Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on March 11, 1997, and concluded on March 11, 1997.

James D. Vannoy /mich, Acting Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

BILL NO. 97-19

AS AMENDED

Section 1. Be It Enacted That Article IV, Classified Service, of Chapter 38, Personnel, of the Harford County Code, as amended, be and it is hereby repealed and re-enacted to read as follows:

Chapter 38. Personnel

Article IV. Classified Service

§ 38-30. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

Appeal - Procedure by which a decision is reviewed.

Appointing Authority - A person who has the power to make appointments and to terminate employment; or, as specified, the department head.

Appointment - Filling a vacant or newly created position with an eligible candidate.

CAREER LADDER - AN OCCUPATIONAL SERIES OF CLASSIFICATIONS WHICH PROVIDE OPPORTUNITIES FOR EMPLOYEES TO ADVANCE ON A NONCOMPETITIVE BASIS.

Certification of Eligibles - The referring of a list of [eligibles] PREVIOUSLY INTERVIEWED QUALIFIED APPLICANTS to a department head to fill a vacant or newly created position in the classified service.

Change of Assignment - An action reassigning an employee from a work site or position in a given class to another position or work site in the same class within the same county department.

Class or Classification - A grouping of one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used to designate each

1 position in that grouping, that the same general qualifications are needed for performance of the
2 duties, and that the same schedule of pay shall be applied to all positions in that grouping.

3 CLASSIFICATION SPECIFICATION - A WRITTEN EXPLANATION OF ONE
4 POSITION OR OF SEVERAL VERY SIMILAR POSITIONS WHICH INCLUDES TITLE,
5 GENERAL DESCRIPTION OF RESPONSIBILITIES, TYPICAL DUTIES, AND MINIMUM
6 QUALIFICATIONS.

7 CLASSIFIED [PERMANENT STATUS] EMPLOYEE - AN EMPLOYEE IN THE
8 CLASSIFIED SERVICE WHO HAS SUCCESSFULLY COMPLETED A PROBATIONARY
9 PERIOD.

10 Classified Service - The sector of the county workforce containing positions for which
11 persons are selected on a competitive basis and from which an employee who has completed
12 probation may be dismissed only for cause.

13 Days - Shall mean working days, rather than calendar days, unless otherwise stated.

14 Demotion - The movement of an employee from his/HER present [position]
15 CLASSIFICATION to A CLASSIFICATION WITH a lower [position or classification] GRADE
16 with or without a decrease in compensation.

17 DIRECTOR OF HUMAN RESOURCES - THE DIRECTOR OF THE DEPARTMENT
18 OF HUMAN RESOURCES OR HIS/HER DESIGNEE.

19 Eligibility List - A list of [persons] PREVIOUSLY INTERVIEWED QUALIFIED
20 APPLICANTS who are eligible for employment, promotion or training for specific positions
21 within the classified service.

22 [Entrance] Examination - A test or series of tests approved by the Director of Human

Resources to determine the relative fitness of applicants for [initial] appointment to positions in classified service.

GRADE - A LEVEL IN THE PAY PLAN WITH A COMMON PAY RANGE FOR CLASSES ASSIGNED THERETO, CONSISTING OF MINIMUM AND MAXIMUM RATES OF PAY.

Grievance - Any cause or dispute arising between an employee and the county over the interpretation or application of the personnel code, regulations or policies.

Grievance Procedure - The procedure by which a grievance is processed or an appeal of a disciplinary action is taken.

Initial Appointment - The first appointment of an employee to A budgeted position in the classified service.

MEDICAL REVIEW OFFICER - A LICENSED PHYSICIAN DESIGNATED BY HARFORD COUNTY AND/OR ITS CONTRACT PROVIDER.

Pay Plan - Pay and classification plan, adopted by the County Council.

Part-Time Employee - An employee hired on a regular basis but whose hours of work are less than that of a full-time employee.

[Permanent Position - A position in the classified service.]

[Permanent Status Employee - An employee in the classified service who has successfully completed a probationary period.]

Position - [A group of duties and responsibilities.] A JOB HAVING A GROUP OF CURRENT DUTIES AND RESPONSIBILITIES ASSIGNED OR DESIGNATED BY COMPETENT AUTHORITY, HELD BY A SINGLE EMPLOYEE. A POSITION MAY BE

1 VACANT OR OCCUPIED.

2 [Position Classification - The grade and pay schedule applicable to any position in
3 connection with title.]

4 [Position Description - A written explanation of one position or of several very similar
5 positions which includes title, general description of responsibilities, typical duties, and minimum
6 qualifications.]

7 Probationary Period or Probation Period - A working period[, defined as days actually
8 worked,] during which [period] the employee does not have [permanent] CLASSIFIED status.

9 Promotion - A change from one [position] CLASSIFICATION to [another position;] A
10 CLASSIFICATION WITH A HIGHER GRADE [with a higher maximum rate of compensation].

11 Promotional Examination - A test or series of tests approved by the Director of Human
12 Resources to determine the relative fitness of applicants for positions in a specific class.

13 Reclassify - To reassign a position from one classification to another or to redefine the
14 position so as to more appropriately reflect the duties of the position, [and] which may be at a
15 higher or lower [level] GRADE or the same salary [level] GRADE as the former position.

16 [Reinstatement - Employment of a person who:

17 A. After separation from the service has been appointed to a position in the classified
18 service in which the person was a permanent status employee; or

19 B. Reinstatement does not include an employee who has been re-appointed to a
20 position in the classified service which the employee occupied, prior to the demotion, discharge
21 or transfer which was the subject of an appeal.]

22 Temporary Appointment - The appointment of a person for a maximum of ninety (90)

1 work days for the purpose of preventing the stoppage of public business.

2 Transfer - The voluntary or involuntary movement of an employee from his present
3 position to a comparable position in the classified service, with or without a change in
4 compensation.

5 Trial Period - A working period following promotion, during which the employee has
6 [permanent] CLASSIFIED status, accrues and may use accrued leave.

7 § 38-31. Administration.

8 A. The Director of Human Resources shall be responsible for the interpretation and
9 administration of the approved [Position Classification] PAY Plan and the application of this
10 Article.

11 (1) [Interpretation.] INVESTIGATION. [The Director of Human Resources
12 shall be responsible for interpreting the application of the Plan.] THE DIRECTOR OF HUMAN
13 RESOURCES MAY INVESTIGATE ANY PERSONNEL MATTER AND MAY COMPEL, BY
14 SUBPOENA, THE ATTENDANCE OF WITNESSES AND REQUIRE THE PRODUCTION
15 OF RECORDS AND OTHER MATERIALS IN CONNECTION WITH ANY
16 INVESTIGATION.

17 (2) Maintenance. The Director of Human Resources shall be responsible for
18 conducting periodic reviews of the PAY Plan and making recommendations to the Personnel
19 Advisory Board.

20 B. If a classification does not exist, the Director of Human Resources shall recommend
21 to the Personnel Advisory Board the establishment of a new classification for its approval,
22 adoption, and inclusion in the [Position Classification] PAY Plan.

1 C. The abolition or creation of any [position] CLASSIFICATION in the [Position
2 Classification] PAY Plan must be approved by the Personnel Advisory Board.

3 D. Any changes or additions to the [Position Classification] PAY Plan shall become
4 effective only after [approved] APPROVAL by the County Council.

5 E. Temporary positions and classifications may be established as required to comply
6 with state and federal grants and do not have to be in the approved [Classification] PAY Plan for
7 [permanent] employees. Employees occupying these positions shall be governed by the terms of
8 their contracts and grants.

9 F. The original official copy of all [positions] CLASSIFICATION SPECIFICATIONS
10 in the [Position Classification] PAY Plan shall be maintained in the office of the Director of
11 Human Resources.

12 G. At least once every 3 months the Director of the Department of Human Resources
13 shall file with the County Council a written report summarizing:

- 14 (1) The current number of county employees;
- 15 (2) The number of employees hired since the previous report;
- 16 (3) The number of contractual and temporary employees hired since the
17 previous report;
- 18 (4) The number of retirements and terminations since the previous report;
- 19 (5) The amount of leave, by category, used since the previous report; and
- 20 (6) Any other information the Director considers relevant.

21 § 38-32. Rates of compensation.

22 A. Salaries and wages. The county shall compensate employees according to the

[p]Pay [p]Plan, unless otherwise specified by law. Employees shall be paid bi-weekly.

(1) A new employee shall be paid at the minimum rate of pay for his/HER grade;

(2) Reinstated employees may be paid at a rate commensurate with his/HER experience and years of service prior to separation;

(3) The Director of Human Resources may grant waivers from A(1) and A(2).

B. In-grade pay increases may be awarded for [permanent] classified employees; an employee is eligible for such increases only when a satisfactory or better overall performance rating has been recorded by the employee's department head to the Director of Human Resources. If eligible, [an] A CLASSIFIED employee may receive an in-grade increase as of July 1 following the EMPLOYEE'S anniversary date.

C. Other rates of compensation:

(1) Shift differential. The county shall pay shift differential to designated employees who work a qualifying shift in accordance with and at the rate established by the Director of Human Resources. The county shall not pay shift differential to employees who are on paid leave.

(2) Working out of classification/acting capacity pay.

(a) An employee who meets the existing qualification standards required to perform the assigned duties may temporarily perform duties in a classification for which the rate of pay is higher than that of the employee's classification for any of the following reasons:

[1] The temporary absence of an incumbent, including but not limited to the incumbent's use of approved annual, sick, disability or other leave;

[2] A vacancy for which normal recruitment procedures have been unsuccessful; or

[3] An increased workload which necessitates assignment of duties at a level higher than that of the employee's classification.

(b) An employee working out of classification shall be paid in accordance with the rates established by the Director of Human Resources.

[1] The employee may be required to work out of classification for a maximum period of forty-five (45) working days; said period may be extended upon written request of a department head and with the approval of the Director of Human Resources.

(3) Overtime pay; exceptions.

(a) List of positions to receive overtime payments. The Director of Human Resources shall determine the classifications for which overtime payments are mandatory in accordance with the Fair Labor Standards Act, 29 U.S.C., Section 201, et seq., and as amended.

(b) Computation of overtime payments.

[1] The Director of Human Resources shall assure that overtime payments are made at straight time for time worked up to and including forty (40) hours per week. Time worked in excess of forty (40) hours per week shall be at a rate of one and one-half times the employee's normal hourly wage.

[2] The overtime rate shall also be paid for work on a holiday, work on scheduled regular days off, and work performed on a scheduled leave day provided that said leave was scheduled and approved at least ten (10) working days in advance.

1 [3] Upon written request of the department head, the Director
2 of Human Resources may adopt alternate work schedules as permitted by the Fair Labor Standards
3 Act, 29 U.S.C. § 201, et seq., and as amended, for the purpose of determining overtime
4 compensation.

5 [4] Overtime distribution. Distribution of overtime shall be in
6 accordance with the policies set by the Director of Human Resources.

7 (4) Call-in pay.

8 (a) An hourly employee called on duty to do emergency work will be
9 paid at the regular rate for the actual time worked, but in no event shall less than four (4) hours
10 straight time be paid for the first call-in.

11 (b) If the hours worked during such call-in, in addition to the hours
12 worked by [him] THE EMPLOYEE during the balance of [his] THE work day, exceed eight (8)
13 hours in aggregate total for the work day, the employee shall be paid whichever is greater.

14 (c) Call-in time provisions will not apply if an employee is notified at
15 least twelve (12) hours before his/HER new established starting time. An employee shall receive
16 the benefits of the call-in pay for the first call-in within a consecutive 24-hour period only. For
17 subsequent call-ins, time actually worked will be paid at the rate established for overtime (time
18 and a half) in any 24-hour period.

19 (d) A regular scheduled holiday will be considered as a work day.

20 (e) Any natural phenomenon (snow, sleet or icing, etc.) which
21 necessitates "calling" forces in prior to the regular starting time shall not be treated under this
22 section but as regular overtime under Section 38-32C(3)(b)[1].

1 § 38-33. Vacancies; applications and examinations.

2 A. Filling of vacancies.

3 (1) Vacancies in THE classified service will [first be filled by promotion or
4 transfer of eligible employees within the classification system] BE FILLED BASED UPON THE
5 MERIT AND FITNESS OF THE APPLICANT, AND IN THE EVENT THAT AN EXISTING
6 EMPLOYEE HAS SUBSTANTIALLY THE SAME QUALIFICATIONS AS THE MOST
7 QUALIFIED EXTERNAL APPLICANT(S), IF ANY, THE EXISTING EMPLOYEE SHALL
8 BE GIVEN PREFERENCE. Promotions (see Section 38-35) shall be on a competitive basis.

9 (2) Announcements for vacant positions. Announcements for vacant positions
10 in the classified service system shall be published and posted on bulletin boards in all departments
11 and in such other places as the Director of Human Resources deems advisable. Announcements
12 shall specify the title, grade and salary range, minimum requirements for the position, time, place
13 and manner of making application and other pertinent information. Where an existing list of
14 qualified eligible applicants exists, no posting is required.

15 (a) Filing applications. A person seeking appointment to a position in
16 the classified service shall file with the Director of Human Resources an application on the
17 Director of Human Resources's prescribed form. The application may be modified for current
18 employees applying for a vacant position.

19 (b) Rejection of applications.

20 [1] The Director of Human Resources shall notify, in writing,
21 any applicant whose application is rejected under this section, specifying the cause for the
22 rejection of the application, and shall, upon the request of the applicant, give an opportunity to

1 show cause why his application should not be rejected.

2 [2] The Director of Human Resources may reject an application
3 for cause [before the date of establishment of the eligibility list for the class for which it is filed].

4 Any of the following shall be deemed sufficient cause for rejecting an application, though rejection
5 may be made for other causes permitted by law:

6 [a] The applicant is found to lack any of the preliminary
7 requirements as prescribed in the [position description] CLASSIFICATION SPECIFICATION;

8 [b] The application was not filed before the advertised
9 closing date for receiving applications;

10 [c] The applicant is physically, mentally, or morally unfit
11 for the performance of the essential functions of the position to which the applicant seeks
12 appointment;

13 [d] The applicant is currently addicted to the habitual or
14 excessive use of drugs, narcotics, or currently addicted to intoxicating beverages;

15 [e] The applicant has been dismissed from public or
16 private service for delinquency or misconduct;

17 [f] The applicant has knowingly made a false statement
18 in [his] THE application, or in a previous examination, or has withheld any material fact;

19 [g] The applicant is not within the prescribed age limit;

20 [h] The applicant was previously in the classified service
21 and was removed for cause or did not resign in good standing; or

22 [I] In the case of a promotional examination, [his] THE

1 employee evaluation or [his] attendance record are not satisfactory.

2 B. Examination. All applicants for positions may be required to take an aptitude,
3 skills and/or performance test to determine their eligibility for the position. The scope,
4 composition, and ranking on said tests to be determined by the Director of Human Resources;
5 when required, these examinations may include medical examinations, and tests, written or oral,
6 designed to show the ability of competitors to perform the [duties] ESSENTIAL FUNCTIONS
7 of the positions to which they seek appointment and shall include any tests of manual skill or
8 technical knowledge or the actual doing of typical tasks which are required of employees in the
9 class. The Director of Human Resources may require tests of the bodily condition, muscular
10 strength, agility, and physical fitness of competitors. These tests may be used only to determine
11 whether competitors can perform the essential functions and duties of the positions to which they
12 seek appointment, consistent with the provisions of [Article 64A, § 12, Annotated Code of
13 Maryland, as amended] THE AMERICANS WITH DISABILITIES ACT 42 U.S.C. 12101, ET
14 SEQ, AS AMENDED.

15 (1) On all examinations to determine the qualifications of an applicant entitled
16 to preferential credits under this section, the Director of Human Resources shall allow the
17 applicant credit for all valuable military experience. The Director may also allow such credit for
18 applicants who were not compensated for their military experience.

19 (a) Veterans and spouses of veterans - In this subsection, "eligible
20 veteran" means a veteran of any branch of the Armed Forces of the United States who has
21 received an honorable discharge or a certificate of satisfactory completion of military service; and
22 who:

1 [1] During a period of war, served at least 90 calendar days in
2 the military service or was released from military service before serving 90 days because of a
3 service-connected disability;

4 [2] During peacetime, served at least 181 calendar days of
5 continuous active duty in military service or was released from military service before serving 181
6 days of continuous active duty because of a service-connected disability.

7 (b) The Director of Human Resources shall allow an applicant the
8 following credits on all examinations, provided however, that on examinations testing the ability
9 to operate mechanical equipment, the applicant must receive a passing score in order to receive
10 the credit:

11 [1] Five percent of the applicant's total score on the examination
12 if the applicant is an eligible veteran who does not have a service-connected disability;

13 [2] Ten percent of the applicant's total score on the examination
14 if the applicant is an eligible veteran who has a service-connected disability or who has been
15 awarded a Purple Heart; or

16 [3] Ten percent if the applicant is:

17 [a] The spouse of an eligible veteran and the eligible
18 veteran, due to a service-connected disability, is certified by the Veterans Administration to be
19 "unemployable"; or

20 [b] An unmarried surviving spouse of an eligible veteran
21 who has died as a result of a service-connected disability.

22 (c) Any credit provided for under Subsection B(1)(b) of this section may

1 be allowed only for purposes of determining the standing of an applicant on a list of eligible
2 candidates for which the applicant is otherwise qualified.

3 (d) If an eligible veteran is convicted of a felony the veteran and/or the
4 veteran's spouse is ineligible for any credit under this subsection.

5 (e) An employee who leaves the classified service to enter a branch of
6 the Armed Forces shall be reinstated to the same position or given a position involving similar
7 duties, classification and pay, provided that the employee:

8 [1] Receives an honorable separation from the Armed Forces.

9 [2] Applies for reemployment within ninety (90) days of the
10 separation; and

11 [3] Is qualified to perform the duties of the position.

12 (2) This section does not apply to a person who:

13 (a) Is retired from a branch of the Armed Forces of the United States;
14 and

15 (b) Receives a pension as a result of the retirement.

16 (3) Nondiscrimination.

17 (a) Classified service employees shall [he] BE selected without regard
18 to political considerations, except that political belief or affiliation subversive to the laws of the
19 United States and/or the State of Maryland is disqualifying.

20 (b) There shall be no discrimination against any person seeking
21 employment or employed in a classified position because of any consideration of political,
22 religious affiliation or belief, race, gender, national origin, marital status or qualifying disability.

1 (c) Prior conviction of a felony or crime involving moral turpitude or
2 loss of citizenship shall disqualify an applicant from employment or promotional opportunities;
3 lesser crimes, may, in the discretion of the Director of Human Resources, be cause for
4 disqualification from employment or promotional opportunities.

5 (4) Interpretations. The Director of Human Resources is authorized to render
6 any interpretations concerning [the] certification and appointment matters, consistent with this
7 Code, subject to the review of the Personnel Advisory Board.

8 C. Certification of eligibles. The Director of Human [Resources] RESOURCES shall
9 certify to the appointing authority:

10 (1) The names of persons on the eligibility lists for the classifications in which
11 there are vacant positions; or,

12 (2) In the case of training or promotional vacancies, names of the employees
13 who are eligible to receive training or, who, having completed said training, are eligible for
14 promotion to a classification, whether or not a vacant position exists at the time of certification.

15 § 38-34. On-the-job training.

16 A. Eligibility.

17 (1) Eligibility lists for on-the-job training. The Director of Human Resources
18 may establish a list of current, full-time classified employees who have successfully completed
19 their probationary periods who are eligible for entry [in] INTO training programs for existing or
20 future positions. Length of service will determine eligibility for training.

21 (a) In order to be placed on this list, an employee must:

22 [1] Have a good attendance record. An employee will be

ineligible for placement on said list if he or she has been placed on supervised sick leave within three (3) months from the date of said application.

[2] Be in good physical condition. Except as otherwise provided by law, an employee will be ineligible for placement on said list [used] BASED on a medical condition which restricts his or her ability to perform the essential functions of [their] THE EMPLOYEE'S current position.

[3] Have received a "satisfactory or better" rating on the employee evaluation preceding the date of said application; an employee will be ineligible for placement on said list if [they have] THE EMPLOYEE HAS been subject to disciplinary action resulting in a suspension within the year preceding the date of application.

B. Certification.

(1) Following completion of said training program, the employees will be tested in accordance with standards to be set by the Director of Human Resources.

(2) Employees who have satisfactorily met the requirements of said testing program shall be certified by the Director of Human Resources as qualified for the position for which the training has been completed. A list of employees who have been certified as eligible shall be maintained for a period of two (2) years.

(3) At the time of expiration of the list, employees unplaced at the time of expiration would be carried over to a new list upon recertification, under section 38-34B.

C. Vacancies; certification. At the time that the vacancy for that position occurs, the Director of Human Resources shall provide the department head with a list of qualified employees. At the time that such vacancy occurs, the employees on such list must continue to

1 meet the criteria specified in Section 38-34A(1)(a). Said employee will also be subject to the
2 criteria contained in Section 38-34B(2).

3 § 38-35. Promotions and transfers.

4 A. Promotion - An employee may be promoted from [his] THE EMPLOYEE'S
5 present [position] CLASSIFICATION to a [higher position or] classification IN A HIGHER
6 GRADE [by transfer under Section 38-35C(1) or promotion to a position] under the procedures
7 outlined in Section 38-33A(2) OR PURSUANT TO A CAREER LADDER PROGRESSION AS
8 DEFINED BY THE DIRECTOR OF HUMAN RESOURCES AND AS APPROVED BY THE
9 PERSONNEL ADVISORY BOARD.

10 B. Change of assignment. The department head may re-assign an employee from a
11 position in a given classification to another position in the same class within the department. An
12 employee objecting to the reassignment shall request a review of the action with the Director of
13 Human Resources. An appeal of the action may be made to the Personnel Advisory Board under
14 Section 38-44C(3).

15 C. Transfer. The transfer of a classified employee from one position, department or
16 location to another may be voluntary or involuntary.

17 (1) Voluntary transfer. Any CLASSIFIED employee [who has completed his
18 probationary period] may apply to the Director of Human Resources for transfer from the position
19 which he/SHE holds to a position of the same classification in another department or location,
20 stating [his] THE reasons for [it] THE TRANSFER. A copy of the letter shall be sent to the
21 department heads involved by the Director of Human Resources. If the Director of Human
22 Resources believes the transfer would be for the good of the service, the employee's name shall

1 be placed upon a transfer list of eligibles and may be certified for appointment to any vacancy in
2 the same classification or to a position similar to the one held by the employee.

3 (a) The department heads shall reply to the Director of Human
4 Resources, who will notify the employee of the status of [his]THE request.

5 (b) If more than one employee applies for a transfer to an existing
6 vacancy, and all applicants equally meet all qualifications, the employee with the greatest seniority
7 shall be granted the transfer.

8 (2) Involuntary transfer. At the request of a department head, an employee may
9 be transferred. Said transfer is subject to the approval of the Director of Human Resources. An
10 appeal of the action may be made to the [Personal] PERSONNEL Advisory Board under Section
11 38-44C(3).

12 D. Demotion.

13 (1) Involuntary demotion.

14 (a) A department head may submit to the Director of Human Resources
15 a written recommendation for the demotion of an employee, and shall provide the employee with
16 a copy.

17 (b) The department head shall assure that the recommendation includes:
18 [1] The specific reasons for the proposed demotion;
19 [2] The position and rate of compensation to which the employee
20 is to be demoted; and
21 [3] A statement informing the employee of the appropriate appeal
22 route.

(c) In the written decision, the Director of Human Resources [or his designee] shall:

- [1] Approve or disapprove the proposed demotion; and
- [2] Provide the department head and the employee with copies of the decision.

(d) The employee may appeal the proposed demotion to the Personnel Advisory Board.

(e) The department head shall enforce the decision.

(2) Voluntary demotion. A voluntary demotion without prejudice may be granted by the Director of Human Resources, upon the recommendation of the department head together with the voluntary written consent of the employee.

(a) Voluntary demotion in case of loss of special job skills. An employee who has lost [their] HIS/HER driving privileges may be separated from service or demoted to a position where the employee's['] other skills may be utilized, if such a position is available. When the privileges are reinstated, the employee may be eligible for reinstatement [in] TO THE EMPLOYEE'S [his] former position, or a comparable position.

E. Resignation. A resignation is a voluntary act of the employee. An employee shall submit his/HER resignation NO LATER THAN fourteen (14) calendar days prior to the effective date of same.

§ 38-36. Reduction in force.

A. Should it become necessary to reduce the working force due to a curtailment of funds or for other reasons, the following factors shall determine the employees affected:

1 (1) Total length of satisfactory service.

2 (2) Current employee evaluation.

3 B. A [permanent] CLASSIFIED employee who is reached in a reduction in force may
4 be offered a transfer to another department or location in the employee's area of specialization or
5 a demotion to a position within said area of specialization. An employee who refuses such offer
6 shall submit [his] THE rejection in writing.

7 C. Employees affected by the reduction in force shall be notified in writing of the
8 proposed action at least thirty (30) days prior to the effective date of such action.

9 D. Prior to the reduction in force, the number of positions by job title[,] shall be
10 submitted to the Director of Human Resources, who shall review and determine THE action to
11 be taken, subject to the approval of the Personnel Advisory Board.

12 (1) Recall.

13 (a) Employees shall be recalled from layoff in reverse order from their
14 separation from service.

15 (b) Employees recalled shall be paid at the same grade and step in effect
16 at the time of their displacement.

17 (c) No new employees shall be hired until employees on layoff status,
18 capable of performing the duties assigned, have been offered the opportunity to return.

19 § 38-37. Employee status.

20 A. Probation.

21 (1) Upon appointment all employees shall be subject to a probationary period.
22 Once a probationary period has been satisfied, the employee will not be required to serve any

1 further probationary period, except an[y] ADDITIONAL period MAY BE established for
2 disciplinary reasons, [except that,] AND upon promotion, an employee may be required to serve
3 a trial period, said period to be limited to ninety (90) days. The Director of Human Resources
4 shall determine the positions which shall be subject to such trial periods[; an] AND THE
5 employee shall be notified[,] at the time of application or promotion to said position. If, following
6 evaluation at the close of said period, at the option of the employee or the appointing authority,
7 the employee may be deemed unqualified or unsuitable for the position. At the employee's
8 request, he shall be returned to his former position, if said position is vacant. In the case where
9 the employee's former position has been filled, the employee will be eligible for a vacancy of
10 similar grade to the former position.

11 (a) With the exception of laborers, who shall be subject to a three (3)
12 working (active duty) month probationary period, all [classified] employees IN THE
13 CLASSIFIED SERVICE shall serve an initial six (6) month probationary period.

14 (2) A probationary status [classified] employee shall be retained beyond the end
15 of his or her probationary period and BE CONSIDERED [granted] a [full] classified [service
16 status] EMPLOYEE after six (6) working (active duty) months of probation if the department head
17 concerned certifies that the performance of the probationary employee is satisfactory and
18 recommends to the Director of Human Resources that the employee be given [permanent]
19 CLASSIFIED status.

20 (3) A probationary employee not retained following completion of their
21 probationary period or discharged prior to its completion shall be advised of the basis for such
22 decision by the Director of Human Resources; such termination shall not be subject to an appeal

1 pursuant to 38-44C.

2 B. Employee performance evaluation.

3 (1) Evaluation. Annually, upon notice by the Director of Human Resources,
4 each department head shall submit to the Director of Human Resources an employee performance
5 evaluation form based on a satisfactory or unsatisfactory rating.

6 (2) When evaluating an employee's performance, the appointing authority shall
7 consider the employee's use of sick leave.

8 (3) Performance evaluation confidential. All final performance evaluations shall
9 become a permanent part of an employee's personnel record and shall be made available only to:

- 10 (a) The employee or his/HER designated representative[.];
- 11 (b) The supervisor who is considering employee for a position in
12 his/HER organization[.];
- 13 (c) The employee's supervisor[.];
- 14 (d) The Director of Human Resources [or his authorized
15 representative.]; OR
- 16 (e) Members of the Personnel Advisory Board.

17 § 38-38. Leave with pay.

18 A. Eligibility for earning leave. Leave time is earned by full-time and part-time
19 [permanent] classified employees. Employees must be [in a pay status] EITHER WORKING OR
20 ON APPROVED LEAVE ON the day before or after to receive holiday pay or [in a duty status]
21 WORKING AND/OR SCHEDULED TO WORK ON THE DAY THAT THE
22 ADMINISTRATIVE LEAVE IS PERMITTED to receive administrative leave. The application

1 of this section is subject to the interpretation of the Director of Human Resources.

2 B. Holidays.

3 (1) The following days are designated as regular holidays, and employees
4 excused from duty shall receive their full rate of pay with no charge to leave:

5	New [y]Year's day	January 1
6	Dr. Martin Luther King's birthday	Third Monday in January
7	President's Day	Third Monday in February
8	Memorial Day	Last Monday in May
9	Independence Day	July 4
10	Labor Day	First Monday in September
11	Veterans Day	November 11
12	Thanksgiving Day	Fourth Thursday in November
13	Friday after Thanksgiving Day	Friday after Thanksgiving Day
14	Christmas Day	December 25

15 (2) In addition, any day designated by the County Executive, or by the
16 President of the United States of America or Governor of the State of Maryland, and
17 administratively approved as a leave day by the County Executive.

18 (3) All employees required to work on holidays eligible for holiday pay shall
19 be paid eight (8) hours straight time AS HOLIDAY PAY plus one and one-half times their hourly
20 rate for each hour worked.

21 [(4) Employees must be in a pay status either the day before or the day after the
22 holiday to receive holiday pay.

1 (5) Employee must be in a duty status to receive the benefits of any
2 administrative leave.]

3 C. Personal leave.

4 (1) In each calendar year a full-time employee is entitled to eight (8) days of
5 personal leave. An employee is not eligible to use personal leave during the probationary period.

6 (2) An employee may not accumulate personal leave from calendar year to
7 calendar year.

8 (3) An employee may use personal leave in increments of at least one-half day
9 without obtaining prior approval, provided that the employee notifies the employee's immediate
10 supervisor not later than fifteen (15) minutes after the employee's normal reporting or starting
11 time of the employee's intended use of personal leave. Employees using personal leave for the
12 second half of the work day shall notify the immediate supervisor of his intention to use such
13 leave within fifteen (15) minutes of the employee's normal reporting time. However, when
14 appropriate, department heads may adopt written policies concerning use of this leave in less than
15 half-day increments and notification later than fifteen (15) minutes after the employee's normal
16 reporting or starting time.

17 (4) An employee scheduled to work on a county holiday, or AN EMPLOYEE
18 WHO IS ASSIGNED TO [of] an agency or institution which renders a service that is provided
19 continuously on a seven-day-a-week basis, may not use personal leave without obtaining prior
20 approval from the employee's immediate supervisor. However, approval may be denied only if
21 the immediate supervisor determines that denial is necessary as a result of a critical shortage of
22 staff OR UNDER PREVIOUSLY ~~ESTABLISHED~~ ESTABLISHED, WRITTEN POLICY.

1 (5) No prior approval is required in order for an employee to use personal leave
2 up to and including two (2) days; [prior] notice of intent to use said leave should be given AS
3 FAR IN ADVANCE AS [whenever] possible BUT IN NO EVENT SHALL NOTICE BE GIVEN
4 LATER THAN 15 MINUTES FROM THE EMPLOYEE'S SCHEDULED STARTING TIME.
5 The use of personal leave in excess of one (1) day does not relieve the employee of reporting
6 his/HER intent to use said leave within fifteen (15) minutes of his regular starting time on the
7 second day, if said notice had not been previously given.

8 (6) Separation from service. Upon retirement from county service, the
9 employee shall be paid for all unused personal leave. Upon resignation, an employee shall be paid
10 for up to two (2) days of personal leave.

11 D. Annual Leave.

12 (1) Annual leave will be requested and approved in advance. If, due to unusual
13 circumstances, it is not possible to obtain prior approval for such absence, a request may be
14 submitted after the fact for department head approval. If a department head does not approve such
15 request, he shall so inform the employee and record it as absent without pay and so notify the
16 Director of Human Resources. The period of pre-approved annual leave may be extended by
17 written request or telephone call to the employee's supervisor provided that notice of intent to
18 extend leave is received by the supervisor two (2) work days prior to the beginning of the
19 extension. If the supervisor denies said extension, said absence shall be charged as leave without
20 pay. The extension of said leave to be granted on a reasonable basis.

21 (2) Annual leave shall not be granted nor used during the probationary
22 employment period. Any necessary absence, other than absences based on medical reasons,

1 during the probationary period will be charged as leave without pay.

2 (3) Accrual rate.

3 (a) All regular full-time employees shall accrue annual leave on the
4 following basis:

5 [1] Zero (0) through third years of service, inclusive: twelve (12)
6 days of annual leave per year, one (1) day per month.

7 [2] Fourth through ninth years of service, inclusive: fifteen (15)
8 days of annual leave per year, one and one-fourth ($1\frac{1}{4}$) days per month.

9 [3] Tenth through fifteenth years of service, inclusive:
10 twenty-one (21) days of annual leave per year, one and three-fourths ($1\frac{3}{4}$) days per month.

11 [4] Over fifteenth year of service: twenty-four (24) [hours]
12 DAYS of annual leave per year, two (2) days per month.

13 (b) All regular part-time employees shall accrue annual leave in
14 proportion to time worked.

15 (4) Maximum accumulation. A total of thirty-five (35) days of annual leave is
16 the maximum that may be carried over from one (1) calendar year to the next.

17 (5) Payment for unused annual leave. When an employee is separated from or
18 otherwise leaves the county service, he shall be paid in a lump sum for such leave, not to exceed
19 fifty-nine (59) days.

20 (6) Temporary employees. Annual leave shall not be granted to temporary
21 employees, nor shall they accrue or accumulate such leave.

22 [(7) An employee is not eligible to use annual leave during probationary period.]

E. Sick leave.

(1) Accrual rate. All regular full-time employees shall accrue sick leave credits on the basis of one and one-fourth (1 ¼) days for each full month of creditable service.

(2) Maximum accumulation. There shall be no limit on the amount of sick leave credits that can be accumulated.

(3) Sick leave usage. Sick leave will be available only in the following instances:

(a) Actual illness or disability of the employee; or

(b) Necessary medical, dental or optical examination and/or treatment.

Normally such absences will be requested and approved in advance and will not exceed one (1) day; or

(c) Confinement to home because of quarantine, as determined by authorized medical authority; or

(d) Necessary medical, dental, optical treatment or the illness of qualifying family members in accordance with standards as established by the Director of Human Resources.

(e) Immediately after obtaining permanent custody of a child pending adoption. [any] ANY request for sick leave due to the adoption of a child must be accompanied by corroborating documentation, and such request must receive prior approval [by] OF the Director of Human Resources. No employee shall be permitted to utilize accrued sick leave for a period greater than six (6) weeks after obtaining permanent custody of a child pending adoption.

(4) Requests for sick leave. If an employee is unable to report for duty because

1 of illness, he shall notify his department head as soon as possible, but not later than two (2) hours
 2 after the time he was to report for duty. Any exception to this rule must be approved by the
 3 department head. Failure to comply with this requirement may result in a loss of pay for time off
 4 and subject the employee to disciplinary action.

5 (5) Normally an employee's personal certification will be accepted for an
 6 absence of three (3) days or less. If a department head has reason to believe that sick leave
 7 privileges are being abused, he may, with the approval of the Director of Human Resources,
 8 require the employee to furnish a medical certificate for any period of sick leave.

9 ~~(6) — WHEN AN EMPLOYEE SUFFERS A DISABILITY RESULTING FROM~~
 10 ~~AN ACCIDENT OR ILLNESS, SAID EMPLOYEE MAY BE SUBJECT TO TERMINATION~~
 11 ~~FROM EMPLOYMENT IF THE EMPLOYEE DOES NOT RETURN TO WORK IN THE~~
 12 ~~EMPLOYEE'S CLASSIFICATION WITHIN TWELVE MONTHS FROM THE DATE OF THE~~
 13 ~~ACCIDENT OR ONSET OF THE ILLNESS.~~

14 (76) [(6)] [Medical investigation] FITNESS FOR DUTY EXAMINATION.

15 (a) A department head may request the Director of Human Resources
 16 to have a [physical] MEDICAL investigation made of any employee who loses excessive time
 17 from employment because of illness or for the purpose of determining whether an employee has
 18 any disability which would prevent the employee from the proper performance of the employee's
 19 duties. The request shall contain a record of absences caused by the disability, ailment, illness
 20 or behavior of the employee and the reason for the request.

21 (b) If the MEDICAL REVIEW OFFICER CONDUCTING THE
 22 medical investigation [reveals] DETERMINES that the employee is unable to continue active

1 employment in his/HER current position, [or makes his continuance on the job site] OR THE
2 EMPLOYEE'S CONTINUED EMPLOYMENT CREATES a danger to [himself] THE
3 EMPLOYEE or others, actions may be taken:

4 [1] TO PLACE THE EMPLOYEE IN A POSITION MORE
5 COMMENSURATE WITH HIS/HER CAPABILITIES;

6 [2] for voluntary separation; or

7 [3] the filing of written charges for removal.

8 An employee may be removed from the work site if his/HER condition represents a threat to
9 [himself] THE EMPLOYEE or others. [[1]] IF THE MEDICAL REVIEW OFFICER
10 DETERMINES THAT THE DISABILITY IS CORRECTABLE, CONSISTENT WITH THE
11 PROVISIONS OF ~~§ 38-38E(6) OF THIS CODE~~ THIS CHAPTER, THE MEDICAL REVIEW
12 OFFICER SHALL DETERMINE THE TIME PERIOD IN WHICH THE DISABILITY IS TO
13 BE CORRECTED. THE EMPLOYEE SHALL BE NOTIFIED AS TO THE SPECIFIED TIME
14 TO CORRECT THE DISABILITY. [If the disability is correctable, the employee shall be given
15 a specified time to have it corrected.] If [he] THE EMPLOYEE fails to take the steps required
16 by the medical REVIEW officer or the Director of Human Resources, based on the
17 recommendation of the medical REVIEW officer, within the time specified, [he] THE
18 EMPLOYEE shall be subject to disciplinary action, UP TO AND INCLUDING TERMINATION
19 FROM EMPLOYMENT.

20 [[2] If, in the opinion of the examining physician, the disability
21 cannot be corrected, the Director of Human Resources shall attempt to place the employee in a
22 position more commensurate with his capabilities. If this is not possible, the Director of Human

1 Resources shall advise the employee that he has the right to have a second opinion by a physician
2 of the employee's choice and at the employee's cost.]

3 (c) The Director of Human Resources may refer an employee on sick
4 leave to the medical REVIEW officer or another physician for periodical examinations to
5 determine the nature and extent of the illness, the employee's progress toward recovery, the length
6 of time necessary for recovery, and an estimated date of return to work.

7 F. With the approval of the Director of Human Resources, department heads may
8 adopt additional requirements regarding the use of annual or personal leave.

9 G. Disability leave. An employee injured on the job shall be reimbursed the difference
10 between payments received under the State Workers' Compensation Act and his regular, net salary
11 at a rate of one (1) weeks pay, for up to one (1) year's service and two weeks pay for each year,
12 or portion of years additional service. At the expiration of the benefits, the employee may elect
13 to use his/HER accumulated sick or annual leave.

14 H. Military leave.

15 (1) A military leave of absence shall be an excused leave of absence granted if
16 AN EMPLOYEE IS [you are] inducted, recalled to active duty, [enter] ENTERS active military
17 duty voluntarily or IS [are] in the military reserves or National Guard and IS [are] called to
18 limited active duty, regular training assignments, or extended training duty. Military leave may
19 be paid or unpaid.

20 (a) Active military duty. A [permanent] CLASSIFIED employee who
21 leaves county service to enter the Armed Services of the United States voluntarily, by induction
22 or reactivation shall be granted military leave without pay. Such leave shall extend through ninety

1 (90) days after honorable discharge.

2 (b) Members of the National Guard or military reserves who are
3 required to engage in regular/annual training exercises will be granted military leave, with pay,
4 for a period not to exceed a total of three (3) weeks in one (1) calendar year.

5 (c) Members of the National Guard ordered to active duty under the
6 authority of the Governor shall be entitled to military leave, with pay, for such time while actually
7 serving under active duty orders in addition to the three (3) week period specified in Section (b).

8 (d) Members of the military reserves, INCLUDING THE NATIONAL
9 GUARD, who are ordered into the active military service of the United States shall be granted
10 military leave without pay. Such leave shall extend through thirty-one (31) days after release from
11 active duty.

12 (2) Reinstatement. Upon satisfactory completion of military service and timely
13 notice of intent to return to work, an employee will be reinstated to the employee's former
14 position, or a comparable position with similar status, compensation and benefit entitlement,
15 provided the employee is qualified to return to full-time duties.

16 (a) Active military duty. Must reapply for employment within ninety
17 (90) days after being honorably discharged.

18 (b) Military reservists or National Guard.

19 [1] Return from active duty - must apply for reemployment
20 within thirty-one (31) days after release from active duty.

21 [2] Return from regular training - must report to work on the
22 first scheduled work day following completion of training.

1 (3) Benefits.

2 (a) Annual and sick leave, as provided by [the County Code] THIS
3 ARTICLE, will continue to accrue during the period that an employee is on military leave under
4 (1)(b), (c) and (d).

5 (b) An employee may elect to use accrued annual or personal leave
6 instead of military leave by filing written notice of their intent to do so with the [Personnel
7 Officer] DIRECTOR OF HUMAN RESOURCES.

8 I. Civil leave.

9 (1) An employee may be granted civil leave and excused from duty, with pay,
10 in the following circumstances:

11 (a) When selected to serve on jury duty.

12 (b) When subpoenaed to appear before a court, public body or
13 commission in [connection with] SUPPORT OF county business.

14 (c) When performing emergency civilian duty in connection with the
15 national, state or local security.

16 (2) Any employee called for jury duty will be reimbursed the difference
17 between payments received as a juror and his regular salary. Such leave shall not be deducted
18 from any other leave earned by the employee.

19 (3) All other civil leave shall be SUBJECT TO APPROVAL [approved] by the
20 County.

21 J. Funeral leave.

22 (1) Permission for funeral leave or conditions caused by death in the immediate

1 family for a [maximum] period of UP TO three (3) work days with pay shall be granted at the
2 discretion of his or her [superior] SUPERVISOR. One (1) day extra will be permitted for travel
3 [out of state] EXCEEDING 150 MILES ONE WAY after the date of burial except when burial
4 occurs on [a Friday or Saturday] THE LAST SCHEDULED WORK DAY OR THE FIRST
5 REGULAR DAY OFF OF THE WORK PERIOD.

6 (2) The "immediate family" is considered to be spouse, father, mother, sister,
7 brother, child or grandparent of the employee and family of spouse in these relationships or,
8 step-relationships which qualify as immediate family, as determined by the Director of Human
9 Resources.

10 K. Administrative leave. Leave time granted by order of the County Executive or
11 absence/lateness granted by the employee's department head.

12 L. Maternity leave.

13 (1) Classified employees may use accrued sick leave for any
14 pregnancy-connected disability during their pregnancy until THE EMPLOYEE'S PHYSICIAN
15 CERTIFIES THAT THE EMPLOYEE MAY RETURN TO WORK [it is expended or until they
16 return to work, whichever occurs first]. An employee must submit to her supervisor and the
17 Director of Human Resources, as soon as possible after the termination of the pregnancy, a
18 written certification from the attending physician specifying when the employee will be physically
19 able to return to work.

20 [(2) Employees may continue to work for as long as they are physically able
21 before the date of delivery, provided that a written certification from the attending physician
22 stating that continued employment would not be injurious to the employee's condition is submitted

1 to and approved by her supervisor and the Director of Human Resources. The employee may also
2 return to work as soon as physically able following the termination of pregnancy. This
3 determination will be made by the attending physician. All employees returning from maternity
4 leave are required to submit to and have approved by the Director of Human Resources a
5 certification of ability to return to work from their attending physician.]

6 (2)[(3)] Employees may take up to a total of six (6) months LEAVE OR
7 leave without pay after the PHYSICIAN'S CERTIFICATION THAT THE EMPLOYEE MAY
8 RETURN TO WORK [exhaustion of accrued sick leave] if they do not wish to return to work as
9 soon as physically able. If an employee does not use all accrued sick leave while temporarily
10 disabled due to maternity reasons, all unused sick leave will be credited upon returning to work.

11 (3)[(4)] Anytime circumstances occur in a maternity illness which are
12 different from or do not conform in exact detail to the general circumstances described in the
13 above policies, they may be interpreted and decided upon their individual merits by the Director
14 of Human Resources.

15 (4)[(5)] During an employee's leave, her vacancy becomes an "obligated
16 position" and shall be reserved for the employee until her return to duty or resignation. If a
17 replacement is required, such replacement will be hired on a temporary appointment not to exceed
18 the period of leave. When the employee on leave is ready to return to duty from maternity leave,
19 she shall notify the Director of Human Resources in writing of this fact and indicate the date of
20 return. She shall submit this notice at least fifteen (15) days in advance of return date. Such
21 notice shall include a medical certificate indicating ability to return to duty and date. The person
22 occupying the position on a temporary basis shall be notified, in writing, of the termination of her

1 temporary appointment. Such notice to the temporary employee shall be issued so that the
2 employee will have at least seven (7) calendar days' notice of separation. If for any reason the
3 employee does not intend to return to duty, her notice will be considered as a resignation and be
4 treated as such.

5 M. Educational leave. A full-time [permanent] CLASSIFIED employee may be
6 granted educational leave, with pay, for the purpose of taking courses relating to [his] THE
7 EMPLOYEE'S work, said courses to be approved by the appropriate department head and the
8 Director of Human Resources.

9 § 38-39. Leave of absence.

10 A. A department head, with the approval of the Director of Human Resources, may
11 grant a [permanent] CLASSIFIED employee a leave of absence without pay for a period not to
12 exceed one (1) year. The approval and grant of such leave of absence without pay shall be based
13 on the fact that there is a reasonable assurance that the employee will return to duty and that such
14 absence will be of benefit to the employee and to the county. The conditions and procedure for
15 exercise of said leave shall be established by administrative policy.

16 B. Failure of employee to return to duty from leave of absence without pay shall be
17 construed as a resignation effective on the last day of approved leave of absence.

18 § 38-40. Other benefits.

19 A. Death benefits. Upon death of a classified employee while in active service, his
20 designated beneficiary shall be paid all accumulated annual leave. In addition, the employee's
21 spouse or designated beneficiary shall be paid fifty percent (50%) of accumulated sick leave and
22 four (4) weeks severance pay. If there is no designated beneficiary, annual leave only shall be

1 paid to decedent's estate.

2 B. Retirement. At the time of retirement, fifty percent (50%) of the employee's
3 accumulated sick leave will be granted as severance pay and shall be paid at the accrual rate at the
4 time of retirement.

5 § 38-41. Conditions of employment.

6 A. Hours of work.

7 (1) Offices will open at [8:30] 8 a.m. and close at [4:30] 5 p.m., OR AS
8 DETERMINED BY THE COUNTY EXECUTIVE.

9 [(2) All employees on the hourly pay plan, central alarm, detention center and
10 the Sheriff's office will work a forty-hour week.]

11 [(2)][(3)] Any department requiring A twenty-four-hour-per-day OR 7 DAY
12 PER WEEK operation may schedule shifts for its employees as required.

13 [(3)][(4)] Innovative work schedules may be established by the department
14 head, subject to the approval of the Director of Human Resources, to meet the needs of the
15 department. Such schedules shall be subject to the requirements of the Fair Labor Standards Act,
16 29 USC, Section 201, et seq, and as amended.

17 B. Lateness.

18 (1) [Foreman] CREW CHIEFS are authorized to excuse any lateness up to
19 seven (7) minutes by initialing the time card. If excused, and therefore not subject to disciplinary
20 action, said employee shall be paid for such lateness; if not excused, said employee shall not be
21 paid for said period of absence and may be subject to disciplinary action.

22 (2) Supervisors are authorized to excuse any lateness up to fifteen (15) minutes

1 by providing the justification in writing to the payroll sections of their departments. The lateness
2 may be charged as administrative leave or excused and therefore not subject to disciplinary action,
3 but unpaid.

4 (3) For anticipated lateness beyond fifteen (15) minutes, employees must call
5 in and, prior to the end of the work day, must fill out a leave slip for the amount of time lost.
6 The department head may grant administrative leave for such lateness.

7 (4) Under no circumstances will anyone change or alter the supervisor's
8 decision without consulting the individual or individuals and [foreman] CREW CHIEF involved.
9 § 38-42. Maintenance and inspection of records.

10 A. General. It is the policy of the department to facilitate public access to the records
11 of the department when this access is allowed by law, by minimizing costs and time delays to
12 persons requesting information. It is also the policy of the department to safeguard the privacy
13 of employees by restricting access to records when access is denied or restricted by law.

14 B. Definitions. The following terms used in this chapter have the indicated meanings:

15 "Act" means the Public Information Act, MD. STATE GOV'T CODE ANN. §10-611 ET.
16 SEQ. [Article 76A, §§ 1-5, Annotated Code of Maryland.]

17 "Applicant" means any person requesting disclosure of public records.

18 "Department" means the Department of Human Resources.

19 "Departmental custodian" means each division director of the Department who is
20 responsible for the maintenance, care, and keeping of public records.

21 "Personnel file."

22 (1) "Personnel file" means any record, regardless of physical form, indexed by

1 name or the employee's identification number.

2 (2) "Personnel file" includes, but is not limited to, the following forms and
3 documents pertaining to any current or past employee:

- 4 (a) Application form;
- 5 (b) Notice of test result;
- 6 (c) All performance ratings;
- 7 (d) All scholastic data.

8 C. [Applications] REQUESTS to inspect or copy.

9 (1) Any person may request to inspect any public record in the custody and
10 control of the Department. The departmental custodian may require that the request be in writing.

11 (2) An applicant may request in writing a copy of a record.

12 (3) In a written request, the applicant shall show his or her name and address,
13 shall sign the request, and shall reasonably identify by brief description the record sought.

14 (4) The applicant shall address a written request for a record in the custody and
15 control of the Director of Human Resources.

16 D. Response to [applications] REQUESTS. IF THE REQUEST OR ANY PORTION
17 IS DENIED, [T] the custodian shall respond to the applicant within ten (10) working days.

18 E. Personnel files.

19 (1) Any current or former employee, or that employee's authorized
20 representative may inspect and request copies of the personnel file maintained by the Department
21 for that employee.

22 (2) Any elected or appointed official or employee who supervises an employee

1 may inspect and request copies of the personnel file maintained by the Department for any
2 employee actually supervised by that official.

3 F. Medical records. Records maintained with respect to any employee shall be
4 available only to that employee or an authorized representative.

5 G. Testing records.

6 [(1)] Any person who has taken a written promotional examination may inspect
7 but not copy or reproduce that examination and the results of it within sixty (60) days following
8 the conduct and scoring of the examination.

9 [(2)] Test questions, scoring keys, test research and evaluation data, rating forms,
10 work sheets, and answer sheets, except for blank copies of any forms which do not reveal
11 questions or answers, may not be inspected or copied.]

12 H. Trade secrets; confidential data. A person may not inspect or copy any information
13 which constitutes a trade secret or confidential commercial or financial data in the custody and
14 control of the Department.

15 I. Privileged information. A person may not inspect or copy any information which
16 is privileged by law.

17 J. Letters of reference. A person may not inspect or copy letters of reference in the
18 custody and control of the Department.

19 K. Protection of privacy and confidentiality. Any person entitled by law to inspect or
20 have copies of any records set forth in Section E through J of this chapter shall, before inspection:

21 (1) Specify, in writing, the basis for the request.

22 (2) Agree, in writing, not to release any information derived from the inspection

1 to any third party without the express prior agreement, in writing, of the custodian.

2 L. Notification of persons who may be affected by disclosure. Unless prohibited by
3 law, the Director of Human Resources, in his discretion, may notify any person who could be
4 adversely affected by disclosure of a record to the applicant that a request for inspection or
5 copying of the record has been made. The Director of Human Resources may consider the views
6 of these persons before deciding whether to disclose the record to the applicant.

7 M. Bulletin board. The Director of Human Resources will maintain an official bulletin
8 board open to the public in his offices, upon which shall be posted all notices required by law or
9 regulation and such other notices as appropriate.

10 § 38-43. Disciplinary actions.

11 A. General. Disciplinary actions [shall] include

- 12 (1) Oral reprimand;
13 (2) Written reprimand;
14 (3) Suspension without pay[; and] OR
15 (4) Discharge.

16 B. Prohibitions. Disciplinary actions shall not be permitted based on an employee's
17 religious or political affiliations.

18 C. Progressive. Disciplinary actions shall be progressive in nature and appropriate
19 to the nature of the violation.

20 D. Appeals. Disciplinary actions subject to appeal shall be processed through the
21 grievance procedure, as established in Section § 38-44.

22 E. Disciplinary suspensions.

1 (1) Grounds. Department head may suspend an employee without pay for
2 disciplinary purposes for [misconduct] GROUNDS[,] as defined herein. Suspension shall be for
3 consecutive working days.

4 (2) Notice. The department head shall give written notice, stating the charges
5 and duration of the suspension, to the employee and a copy shall be forwarded to the Director of
6 Human Resources.

7 (3) Appeal. The employee may appeal said suspension in accordance with
8 Section § 38-44.

9 F. Discharge. Dismissals are made for GROUNDS AS DEFINED HEREIN,
10 INCLUDING BUT NOT LIMITED TO delinquency, misconduct, inefficiency or inability to
11 perform the work of the position satisfactorily. [All] [d]Dismissals OF CLASSIFIED
12 EMPLOYEES SHALL BE [are made upon the recommendation of] RECOMMENDED BY the
13 department head to the Director of Human Resources FOR FINAL APPROVAL UNLESS THE
14 DIRECTOR OF HUMAN RESOURCES CONDUCTED THE INVESTIGATION OF THE
15 MATTER. IN SUCH CASES NO RECOMMENDATION FROM THE DEPARTMENT HEAD
16 IS ~~NECESSARY~~. NECESSARY, BUT THE DIRECTOR OF HUMAN RESOURCES SHALL
17 DISCUSS THE DISMISSAL WITH THE DIRECTOR OF THE EMPLOYEE'S DEPARTMENT
18 AND RECORD THE DEPARTMENT DIRECTOR'S OPINION ON THE DISMISSAL BEFORE
19 DISMISSING THE EMPLOYEE. No dismissal of a [permanent] CLASSIFIED employee shall
20 take effect until [a department head gives to such] THE employee[a] IS PROVIDED A written
21 statement setting forth the reasons [therefor] THEREFORE and [his] THE appeal rights [and files
22 a copy of such statement with the Director of Human Resources]. An employee who has been

1 dismissed shall be paid for [his] accumulated annual leave; there will be no compensation for
2 accumulated sick leave, and [he] THE EMPLOYEE shall not have reemployment rights.

3 G. Grounds. DISCIPLINARY ACTIONS MAY BE IMPOSED FOR JUST CAUSE,
4 INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

5 (1) Incompetency, incapacity or inefficiency in performance of duties.

6 (2) Violation of law, official rules, regulations, WRITTEN POLICIES OR
7 WRITTEN PROCEDURES. [or orders or failure to obey any lawful or reasonable direction when
8 such action amounts to insubordination or serious breach of discipline.]

9 (3) INSUBORDINATION.

10 (4)[(3)] Conviction of a felony; or CONVICTION OF a misdemeanor
11 involving moral turpitude.

12 (5)[(4)] [Willful or repeated] [n]Negligence in performing duties [and
13 conduct unbecoming an employee of the county].

14 (6) CONDUCT UNBECOMING AN EMPLOYEE OF THE COUNTY.

15 (7)[(5)] Conduct subversive to the laws of the county, state or United States
16 of America.

17 (8)[(6)] [Sustained] [c]Conduct detrimental to the efficiency [and] OR morale
18 of the service.

19 (9)[(7)] Misuse of public funds or public property.

20 (10)[(8)] Falsifying reports or records.

21 (11)[(9)] Using alcohol or controlled dangerous substances while on duty or
22 reporting to work under the influence thereof.

(12)[(10)] Promoting or participating in a strike, work stoppage or slowdown.

§ 38-44. Appeals.

A. Procedure. In the event any grievance arises, such matters shall be adjusted according to the following procedure.

B. Forms shall be furnished by the county and shall be the only form used for a grievance.

(1) Page 1 of the grievance form must be signed by the aggrieved employee. An employee filing a formal grievance shall be responsible for the timely filing of the initial grievance and all appeals.

(2) The department head and Department of Human Resources shall, upon receiving the grievance, "in date" stamp the face of their copy.

(3) The original written reply shall be attached to the original of the grievance form and returned to the employee.

C. Procedure for presentation of grievances.

(1) The employee shall first discuss his grievance with his immediate supervisor within five (5) days of the incident subject to the grievance/appeal. The supervisor shall respond within five (5) days of meeting.

(2) If the grievance is not resolved at this stage, the employee may, within five (5) days from the supervisor's response, file a written complaint to his department head, who shall review the request and [schedule a hearing] within five (5) days of issuance of the written complaint ~~PLACE THE HEARING REGARDING THE COMPLAINT ON THE SCHEDULE~~
ASSIGN A FUTURE DATE FOR THE HEARING and [who shall] issue a written response to

1 the employee within ten (10) days of that hearing. If the complaint is not resolved at this stage,
2 the employee may, within five (5) days from that written response, file a written request to the
3 Director of Human Resources, who shall review the request and, within ten (10) days from receipt
4 of said request, [schedule a hearing on the complaint] ~~PLACE A HEARING REGARDING THE~~
5 ~~COMPLAINT ON THE SCHEDULE~~ ASSIGN A FUTURE DATE FOR THE HEARING.
6 UPON THE REQUEST OF ANY PARTY TO THE HEARING, THE DIRECTOR OF HUMAN
7 RESOURCES MAY COMPEL, BY SUBPOENA, THE ATTENDANCE OF NECESSARY
8 WITNESSES, DOCUMENTS OR RECORDS. The Director of Human Resources shall issue
9 a written response to the employee within ten (10) days of that hearing. If the complaint is not
10 resolved at this stage, the employee may, within five (5) days from that written response, appeal
11 the decision of the Director of Human Resources to the Personnel Advisory Board, subject to the
12 limitations set forth in Section 38-44F.

13 (3) The Personnel Advisory Board, as provided by the Harford County Charter,
14 Section 607, shall hear all appeals from employees in the classified service subject to the
15 [limitations in] PROVISIONS OF SECTION 38-44C(4) AND Section 38-44F.

16 (4) An aggrieved employee may file [a request for a hearing] AN APPEAL
17 before the Personnel Advisory Board AND A HEARING WILL BE SCHEDULED REGARDING
18 DEMOTIONS, SUSPENSIONS, OR DISMISSALS AS PERMITTED IN SECTION 38-44F. The
19 APPEAL [request shall] MUST be filed IN WRITING within five (5) days of the action [by] OF
20 the Director of Human Resources or the appointing authority [of the employee]. IN ALL OTHER
21 CASES, INCLUDING GRIEVANCES, AFTER DEVELOPMENT OF A RECORD, AN
22 EMPLOYEE'S APPEAL MUST BE REVIEWED AND A HEARING MAY BE GRANTED AT

1 THE DISCRETION OF THE PERSONNEL ADVISORY BOARD IF IT IS BELIEVED THAT
2 THE RECORD IS INCOMPLETE OR INCONSISTENT AND REQUIRES ORAL TESTIMONY
3 TO CLARIFY THE ISSUES. IF THE BOARD DENIES THE REQUEST FOR A HEARING,
4 A DECISION ON THE APPEAL MUST BE RENDERED ON THE RECORD PROVIDED
5 AND ANY WRITTEN ARGUMENT SUBMITTED BY THE PARTIES. HOWEVER, IF SO
6 REQUESTED BY THE EMPLOYEE OR THE COUNTY, THE PERSONNEL ADVISORY
7 BOARD SHALL PERMIT BOTH PARTIES TO PRESENT ORAL ARGUMENT IN LIEU OF
8 WRITTEN ARGUMENT. IF A HEARING IS GRANTED, IT [The hearing] shall, at the request
9 of the aggrieved employee, be public, and the Board shall [schedule] DOCKET any hearing
10 requested within thirty (30) days following receipt of the employee's request. The Personnel
11 Advisory Board may compel, upon the request of any party to the hearing, by subpoena, the
12 attendance of [the county employee] NECESSARY WITNESSES or the production of any
13 documents or records. After a hearing before the Personnel Advisory Board, the Board may issue
14 orders as it finds proper by the facts presented in the case. All data pertinent to the decision shall
15 be subject to the scrutiny of the aggrieved employee or his designated representative.

16 (5) The time limits in this section may be waived upon mutual written
17 agreement between the employer and the employee or his designated representative or, at the
18 request of the Personnel Advisory Board, upon written notice to the parties. However, waiver
19 at any step by either party does not constitute a waiver at all steps, nor imply intent to resolve the
20 issue. All time limits must be complied with unless expressly waived by both parties.

21 (6) ~~IF LESS THAN THE FULL PERSONNEL ADVISORY BOARD IS~~
22 ~~PRESENT FOR A HEARING, WITH 2 BOARD MEMBERS PRESENT THE PERSONNEL~~

1 ADVISORY BOARD MAY CONDUCT THE HEARING UPON THE MUTUAL AGREEMENT
2 OF BOTH PARTIES.

3 (7)[(6)] In case of any appeal to the Personnel Advisory Board, its decision
4 shall be final on all parties concerned.

5 D. Efforts to resolve; bypass; consolidation. Both parties shall endeavor to resolve
6 the grievance/appeal at the lowest possible level. By mutual written agreement, both parties may
7 bypass one or more steps in the procedure set forth in Section 38-44C(2). By mutual agreement,
8 both parties may consolidate related grievances/appeals and present them as a single action.

9 E. Time limits; extensions. Failure of management to respond within the time frames
10 set forth in Section 38-44C(2), constitutes a denial; the employee may appeal. Failure of the
11 employee to file an appeal in response to any level of this procedure constitutes acceptance. By
12 mutual written agreement, both parties may extend the time frames.

13 F. Nature. EXCEPT AS OTHERWISE PROVIDED IN THE HARFORD COUNTY
14 CHARTER OR THIS CHAPTER, AN APPEAL FROM AN EMPLOYEE IN THE CLASSIFIED
15 SERVICE SHALL BE SUBJECT TO THE PROVISIONS OF THIS SUBSECTION.

16 (1) Jurisdiction.

17 (a) Direct appeal to the Personnel Advisory Board.

18 [1] Termination;

19 [2] Suspension for gross misconduct, or life or
20 property-threatening action[, pursuant to Section 38-38E(5)].

21 [3] Appeals of disciplinary suspensions in excess of three (3)
22 days may, with the written consent of the parties, be directly appealed to the Personnel Advisory

1 Board. Disciplinary suspensions of three (3) days or less shall not be subject to appeal to the
2 Personnel Advisory Board by either direct appeal [nor shall such actions be subject to appellate]
3 OR APPELLATE review by the Board.

4 (b) Direct appeal to the Director of Human Resources.

5 [1] Appeal of denial of salary increment based on an
6 unsatisfactory employee evaluation or unsatisfactory work performance including, but not limited
7 to unauthorized use of sick leave; the decision of the Director of Human Resources shall be final
8 as to all parties.

9 [2] Appeal of suspension of three (3) days or less; the decision
10 of the Director of Human Resources shall be final as to all parties.

11 [3] Appeal of disciplinary action including imposition of an oral
12 or written warning or disciplinary suspension shall be heard by the department head in accordance
13 with Section 38-44C, or, with the written consent of both parties, may be directly appealed to the
14 Director of Human Resources; the decision of the Director of Human Resources shall be final as
15 to all parties with the express exception that an appeal of the Director's decision in the case of
16 disciplinary suspension in excess of three (3) days shall be appealable to the Personnel Advisory
17 Board.

18 (c) The Personnel ADVISORY Board may elect to hear appeals from
19 disciplinary actions resulting in suspensions of three days or less or the imposition of written
20 reprimands or may refer such appeals to an examiner.

21 G. Representation. Each employee shall be afforded an opportunity to be represented
22 at each of the steps in the grievance procedure. Any employee and/or employee's representative

1 shall have time to investigate and present a grievance during the county working hours with prior
2 permission of his supervisor. Such permission shall not be unreasonably withheld by the county.
3 Grievance hearings shall be held during working hours. There shall be no loss of pay or leave
4 to the grievant, his subpoenaed witnesses, or representative for the time spent attending grievance
5 meetings or hearings provided they first receive permission to be absent from their immediate
6 supervisor. Such permission shall not be unreasonably withheld by the county. The Personnel
7 Advisory Board may schedule grievance hearings outside of working hours.

- 1 Section 2. And Be It Further Enacted that this Act shall take effect sixty (60) calendar days from
2 the date it becomes law.

EFFECTIVE: June 2, 1997

HARFORD COUNTY BILL NO. 97-19 (as amended)

(Brief Title) Personnel Code

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Vannoy / MKH
Acting Council Administrator

Loanne S. Parrott
President of the Council

Date April 1, 1997

Date 4/1/97

BY THE COUNCIL

Read the third time.

Passed: LSD 97-10 (April 1, 1997)

Failed of Passage: _____

By Order

James D. Vannoy / MKH
Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 3rd day of April, 1997 at 3:00 p. m.

James D. Vannoy / MKH
Acting Council Administrator

BY THE EXECUTIVE

Edward M. Belkemann
COUNTY EXECUTIVE

APPROVED: Date April 3, 1997

BY THE COUNCIL

This Bill (No. 97-19, as amended), having been approved by the Executive and returned to the Council, becomes law on April 3, 1997.

James D. Vannoy
Acting Council Administrator

EFFECTIVE DATE: June 2, 1997